GOVERNMENT OF INDIA
INFORMATION AND BROADCASTING
LOK SABHA

UNSTARRED QUESTION NO:4495
ANSWERED ON:29.03.2017
Advertisement in Newspapers
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Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) whether there is any regulatory mechanism to control advertisements in newspapers/electronic media;
(b) if so, the details thereof;
(c) the steps taken/proposed to be taken against misleading advertisements in print/electronic media;
(d) the number of persons held during last two years and till date in this regard; and
(e) the steps taken/proposed to be taken to ensure stringent punishment to persons for duping people?

Answer

MINISTER OF STATE IN THE MINISTRY OF INFORMATION & BROADCASTING {COL RAJYAVARDHAN RATHORE (Retd.)}

(a) & (b) The Consumer Protection Act, 1986 has been enacted by Department of Consumer Affairs to better protect the interests of the consumers. Section 2(1)(r) of the above Act stipulates that the practice of making any statement, whether orally or in writing or by visible representation which falsely represents that the goods are of a particular standard, quality, quantity, grade, composition, style or model; falsely represents that the services are of a particular standard, quality or grade, falls under unfair trade practices. Such false statement may also be by way of advertisements. A consumer can make a complaint against unfair trade practice in a consumer forum established under the Consumer Protection Act, 1986.

With regard to Print Media, Press Council of India (PCI), a statutory body under this Ministry, adjudicates on print advertisement brought before it as complaint cases under Section 14 of Press Council Act, 1978.

As regards the advertisements in electronic media, advertisements telecast on TV channels are required to adhere to the Advertising Code prescribed under the Cable TV Networks (Regulation) Act, 1995 and Rules framed thereunder. Action is taken whenever the violation of Code is brought to the notice of this Ministry. The relevant codes are available on this Ministry's website, i.e. www.mib.nic.in.

As part of self-regulatory initiative of the industry, Advertising Standards Council of India (ASCI), a voluntary body of advertisement industry, self regulates advertising content to monitor and decide on complaints against advertisements making misleading, false and unsubstantiated claims.

(c) In Print Media, PCI has framed "Norms of Journalistic Conduct" which, inter-alia also, deals with misleading advertisements wherein a publication is warned, admonished and censured, if found violating the above norms.

In electronic media, this Ministry has constituted an Inter-Ministerial Committee (IMC), a recommendatory body, to take cognizance suo-motu or to look into specific complaints regarding content on private TV channels.

Besides above, Department of Consumer Affairs has also launched a portal 'Grievances Against Misleading Advertisements (GAMA)' to enable consumers to register their complaints against false/misleading advertisements. The complaints received in the portal are forwarded to the regulatory bodies for appropriate action.

(d) In Print Media, no persons / publications were held during last two years by PCI. PCI closed 5 cases of complaints in 2015-16 and 2 cases in 2016-17 after due verifications.

In electronic media, 49 cases of complaints on misleading advertisements were upheld by ASCI in 2014.

(e) In Print Media, PCI monitors and takes cognizance suo-motu or on complaint, of misleading advertisement where it is prima-facie satisfied of violation of the norms / guidelines on ethics of journalistic practice. PCI is also one of the party to a Committee set up by the Ministry of Consumer Affairs to curb misleading advertisements.

With regard to electronic media, this Ministry issued an advisory on 21.8.2014 advising all TV channels not to telecast advertisements which were found to be violating of Cable Television Network Rules, 1994 and also Drugs & Magic Remedies (Objectionable Advertisement) Act, 1954.

Besides above, Department of Consumer Affairs have also incorporated a provision of setting up an executive authority, viz., Central Consumer Protection Authority (CCPA) in the Consumer Protection Bill, 2015 in order to bridge the current gap in the regulatory framework by taking action against unfair trade practices.

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